

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: MICHAEL J. MALLIE
BARKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES, CA 90025

RECEIVED
MAY 04 2001

PCT ENTERED

WRITTEN OPINION 0 2001

(PCT Rule 66)

STATUS DS-LA

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN
LOS ANGELES

Date of Mailing
(day/month/year)

26 APR 2001

Applicant's or agent's file reference

42390.P4742PCT

REPLY DUE

within TWO months
from the above date of mailing

International application No.

PCT/US00/10800

International filing date (day/month/year)

20 APRIL 2000

Priority date (day/month/year)

29 APRIL 1999

International Patent Classification (IPC) or both national classification and IPC
IPC(7): G06F 9/46 and US Cl.: 709/106 712/228

Applicant

INTEL CORPORATION Corporation

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 29 AUGUST 2001

Name and mailing address of the IPEA/US

Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

LARRY DONAGHUE

Telephone No. (703) 305-9675

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III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been and will not be examined in respect of:

☐ the entire international application.

☒ claims Nos. 20

because:

☐ the said international application, or the said claim Nos. _ relate to the following subject matter which does not require international preliminary examination (*specify*).

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 20 are so unclear that no meaningful opinion could be formed (*specify*).

Claim 20 is not conformance with RULE 6.4(c). There is no claim 31.

☐ the claims, or said claims Nos. _ are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _.

2. A written opinion cannot be drawn due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

I. Basis of the opinion**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed
- ☒ the description:
pages 1-36 , as originally filed
pages NONE , filed with the demand
pages NONE , filed with the letter of _____
- ☒ the claims:
pages 37-41 , as originally filed
pages NONE , as amended (together with any statement) under Article 19
pages NONE , filed with the demand
pages NONE , filed with the letter of _____
- ☒ the drawings:
pages 1-17 , as originally filed
pages NONE , filed with the demand
pages NONE , filed with the letter of _____
- ☒ the sequence listing part of the
description: NONE , as originally filed
pages NONE , filed with the demand
pages NONE , filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig NONE

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

** Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".*

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V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. statement

Novelty (N)	Claims	<u>2-19</u>	YES
	Claims	<u>1</u>	NO
Inventive Step (IS)	Claims	<u>2-19</u>	YES
	Claims	<u>1</u>	NO
Industrial Applicability (IA)	Claims	<u>1-19</u>	YES
	Claims	<u>NONE</u>	NO

2. citations and explanations

Claim 1 lacks novelty under PCT Article 33(2) as being anticipated by Eickmeyer et al. (EP 747,816).

Eickmeyer et al. taught executing a predetermined number of instruction of a first thread before switching to a second thread (abstract).

Claim 1 lacks novelty under PCT Article 33(2) as being anticipated by Davis et al. (US 5,337,617).

Davis et al. taught executing a predetermined number of instruction of a first thread before switching to a second thread (Col. 4, lines 35-57).

Claims 2-19 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest the maintaining of the discrete count of the quantity of instruction information dispatch or the application of the flow marker in the system as describe or the interaction between the predetermined time intervals and the counting of the quantity of instructions.

_____ NEW CITATIONS _____
 EP 747,816 A (EICKMEYER et al.) 11 DECEMBER 1996 , see ABSTRACT
 US 5,337,617 (DAVIS et al.) 18 OCTOBER 1994 , see col. 4, lines 35-57

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VI. Certain documents cited

1. Certain published documents (Rule 70.10)

<u>Application No. Patent No.</u>	<u>Publication Date (day/month/year)</u>	<u>Filing Date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
WO 99/21088	29 APRIL 1999	14 OCTOBER 1998	23 OCTOBER 1997

2. Non-written disclosures (Rule 70.9)

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure (day/month/year)</u>	<u>Date of written disclosure referring to non-written disclosure (day/month/year)</u>

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.